

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HEATHER MILLARD,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,¹

Defendant.

8:18CV452

ORDER

This matter is before the Court on the parties' joint stipulation for attorney fees (Filing No. 41) under the Equal Access to Justice Act ("EAJA"), which authorizes an award of reasonable attorney fees and other expenses in certain civil actions brought "against the United States." *See* 28 U.S.C. § 2412(d)(1)(A). The parties agree the Court should award plaintiff Heather Millard ("Millard") attorney fees in the amount of \$3,000 as compensation for all legal services his counsel rendered in this case.

The parties explain their stipulation is a compromise settlement of Millard's request for attorney fees and other expenses. In accordance with *Astrue v. Ratliff*, 560 U.S. 586, 589-90 (2010), the parties acknowledge the EAJA attorney-fee award is payable directly to Millard and subject to offset to satisfy any pre-existing debt he may owe to the United States. Millard, through counsel, requests that payment be mailed to Millard's counsel for further distribution per the stipulation.

¹Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021, and is "automatically substituted as a party" pursuant to Federal Rule of Civil Procedure 25(d). *See also* 42 U.S.C. § 405(g) (survival of action).

After careful review, the Court finds the parties' joint stipulation should be approved. The compromise fee award satisfies the EAJA's statutory requirements, *see 28 U.S.C. § 2412(d)(1)(A)*, and is reasonable under the circumstances of this case. Therefore,

IT IS ORDERED:

1. The parties' joint stipulation for attorney fees under the Equal Access to Justice Act (Filing No. 41) is approved.
2. Plaintiff Heather Millard is awarded attorney fees in the amount of \$3,000, subject to any administrative offset required to satisfy any pre-existing debt she may owe to the United States.
3. The Social Security Administration shall make the fee award payable to Millard and deliver the payment to Kappelman Law Firm at its address of record.
4. A separate judgment will issue.

Dated this 16th day of August 2021.

BY THE COURT:



Robert F. Rossiter, Jr.
Chief United States District Judge